

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

ENTERED
DUE 11/20/05
12/08/04

To:

HOWSON AND HOWSON
Attn. Bak, Mary E.
Spring House Corporate Center
P.O. Box 457
Spring House, PA 19477
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

OCT 13 2004

(PCT-Rule 44.1)

Date of mailing
(day/month/year)

08/10/2004

Applicant's or agent's file reference

AM-101319PCT

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/US2004/006089

International filing date

(day/month/year)

23/03/2004

Applicant

WYETH

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 3 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Catriona Cleere

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference AM-101319PCT	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2004/006089	International filing date (day/month/year) 23/03/2004	(Earliest) Priority Date (day/month/year) 26/03/2003
Applicant WYETH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).



- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.



Certain claims were found unsearchable (See Box II).

3.



Unity of invention is lacking (see Box III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.



- b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2004/006089

Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:

a. type of material

☒

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☒

in written format

☒

in computer readable form

c. time of filing/furnishing

☒

contained in the international application as filed

☒

filed together with the international application in computer readable form

☐

furnished subsequently to this Authority for the purpose of search

2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

3. Additional comments:

A CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K39/205

According to International Patent Classification (IPC) or to both national classification and IPC

B FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

☐ Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, EMBASE, INSPEC, BIOSIS, PAJ

C DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	SUTTER G ET AL: "NOVEL VACCINE DELIVERY SYSTEMS: SOLUTIONS TO HIV VACCINE DILEMMAS?" AIDS, LONDON, GB, vol. 15, no. SUPPL 5, 2001, pages S139-S145, XP009014330 ISSN: 0269-9370 page S142, column 2, line 1 ----- -/--	1-45

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

27 September 2004

Date of mailing of the international search report

08/10/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Favre, N

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US2004/006089

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	ROSE NINA F ET AL: "An effective AIDS vaccine based on live attenuated vesicular stomatitis virus recombinants" CELL, vol. 106, no. 5, 7 September 2001 (2001-09-07), pages 539-549, XP002297996 ISSN: 0092-8674 cited in the application abstract; figures 1-7 -----	1-45
A	EGAN M A ET AL: "The use of cytokines and chemokines as genetic adjuvants for plasmid DNA vaccines" CLINICAL AND APPLIED IMMUNOLOGY REVIEWS 2002 UNITED STATES, vol. 2, no. 4-5, 2002, pages 255-287, XP002297997 ISSN: 1529-1049 the whole document -----	
A	EO S K ET AL: "Prime-boost immunization with DNA vaccine: mucosal route of administration changes the rules." JOURNAL OF IMMUNOLOGY (BALTIMORE, MD. : 1950) 1 MAY 2001, vol. 166, no. 9, 1 May 2001 (2001-05-01), pages 5473-5479, XP002297998 ISSN: 0022-1767 cited in the application abstract; table 1 page 5473, column 1, paragraph 1 -----	1-45
A	SHIVER J W ET AL: "Replication-incompetent adenoviral vaccine vector elicits effective anti-immunodeficiency-virus immunity" NATURE, MACMILLAN JOURNALS LTD. LONDON, GB, vol. 415, 17 February 2002 (2002-02-17), pages 331-335, XP002963543 ISSN: 0028-0836 cited in the application abstract; figures 1,2; table 1 ----- -/--	1-45

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/006089

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	HAGLUND K ET AL: "High-level primary CD8+ T-cell response to human immunodeficiency virus type 1 Gag and Env generated by vaccination with recombinant vesicular stomatitis viruses" JOURNAL OF VIROLOGY, THE AMERICAN SOCIETY FOR MICROBIOLOGY, US, vol. 76, no. 6, March 2002 (2002-03), pages 2730-2738, XP002266674 ISSN: 0022-538X cited in the application the whole document	1-45
A	WO 96/34625 A (ROSE JOHN K ; UNIV YALE (US)) 7 November 1996 (1996-11-07) the whole document	1-45
A	ROBERTS A ET AL: "Attenuated vesicular stomatitis viruses as vaccine vectors" JOURNAL OF VIROLOGY, THE AMERICAN SOCIETY FOR MICROBIOLOGY, US, vol. 73, no. 5, May 1999 (1999-05), pages 3723-3732, XP002266675 ISSN: 0022-538X cited in the application	
A	WO 02/097091 A (BARBER GLEN N ; UNIV MIAMI (US)) 5 December 2002 (2002-12-05) the whole document	1-45

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/006089

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-34 (partially)
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 1-34 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/006089

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
W0 9634625	A	07-11-1996	AU 714616 B2	06-01-2000
			AU 5634596 A	21-11-1996
			CA 2220133 A1	07-11-1996
			EP 0871482 A1	21-10-1998
			W0 9634625 A1	07-11-1996
			US 6168943 B1	02-01-2001
<hr/>				
W0 02097091	A	05-12-2002	W0 02097091 A1	05-12-2002
			US 2003021805 A1	30-01-2003
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